MUTUAL RECOGNITION AGREEMENT BETWEEN THE STANDARDS COUNCIL OF CANADA AND THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, UNITED STATES OF AMERICA

I. Purpose

The purpose of this Mutual Recognition Agreement (MRA) is to provide for the mutual recognition, by the Parties to this MRA, of the testing laboratory accreditation systems administered by the Standards Council of Canada (SCC) and by the National Institute of Standards and Technology (NIST). This MRA does not cover the accreditation of calibration laboratories.

II. Background

1. Within their respective jurisdictions, SCC and NIST operate ongoing testing laboratory accreditation systems to grant formal recognition to testing laboratories that are found competent to carry out specific tests.

2. Rather than attempt to re-accredit testing laboratories, it seems appropriate to find a way for each Party to recognize the testing laboratory accreditation granted by the other's testing laboratory accreditation system. This MRA has been devised for this purpose. Such an MRA is in harmony with the provisions of the General Agreement on Tariffs and Trade (GATT) Agreement on Technical Barriers to Trade and the U.S.-Canada Free Trade Agreement.

3. The testing laboratory accreditation system administered by each of the Parties is voluntary for general participation by the laboratories being accredited except where specifically mandated by law in either country. SCC and NIST base their decisions to accredit a testing laboratory on broadly similar requirements, but the implementation is somewhat different in the two countries. Staff members responsible for the administration of each system have analyzed the evaluation requirements and operating procedures used in each system and have participated in assessment visits to testing laboratories seeking accreditation under each other's system.

III. Understanding

This MRA gives effect to decisions by the Parties to grant recognition to each other's testing laboratory accreditation systems. For all fields of testing, each Party will:

1. recognize that the accreditation of a testing laboratory:

   (a) by SCC, provides that laboratory with the status of an accredited testing laboratory in the territorial United States of America; and

   (b) by NIST, provides that laboratory with the status of an accredited testing laboratory in Canada;

2. recognize that the accreditations granted by both organizations are comparable and will make the fact known to interested parties;

3. recognize that accreditation by either of the Parties does not imply acceptance of, or responsibility for, test results generated by an accredited testing laboratory;

4. recognize that acceptance of test results generated by a testing laboratory accredited by either Party remains a negotiable matter between the client of the testing laboratory, to whom the results were rendered, and any third party to whom the test results are submitted;

5. maintain records of the scope of accreditation of each testing laboratory that it accredits and, on request, make that information available;

6. publish its own requirements used to accredit testing laboratories and maintain on file the accreditation requirements for the other party's system;

7. collaborate in the development and adoption of revised requirements for accreditation of testing laboratories to increase harmony between the two accreditation systems;

8. reassess and audit its own accredited testing laboratories on a regular basis;

9. collaborate in the development and adoption of testing laboratory assessment methods and cooperate in developing and operating proficiency testing programs;

10. cooperate in promoting the development and adoption of testing laboratory accreditation principles internationally and in the development of international standards relating to testing laboratory accreditation systems and use these documents as a basis for achieving harmony between the two systems.

IV. Harmonization

The Parties will cooperate in eliminating or minimizing differences between the systems within five years of the signing of this MRA.

V. Resolution of Complaints

Notwithstanding that this MRA does not create obligations binding under international law, each Party will investigate complaints about its accredited testing laboratories that the other Party brings forward and the Parties will work together to seek satisfactory resolution of such complaints.

VI. Duration and Termination

This MRA will become effective on the date of signature. It will remain in effect for a period of five (5) years and may be extended by mutual consent. This MRA may be terminated at any time by either Party upon twelve (12) months written notice to the other Party.

APPROVED AND ACCEPTED FOR THE STANDARDS COUNCIL OF CANADA

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COMPARISON OF REQUIREMENTS FOR EVALUATION OF LABORATORIES Between The Standards Council of Canada (SCC) Program for Accreditation of Laboratories - Canada (PALCAN) and the National Institute of Standards and Technology (NIST), U.S.A. National Voluntary Laboratory Accreditation Program (NVLAP)

1. **Eligibility**

NIST will accredit all laboratories, including foreign laboratories, which comply with the requirements for accreditation. SCC accredits only laboratories located in Canada and in a country designated by an order under section 4(4) of the Standards Council of Canada Act.

2. **Equipment**

Both NIST and SCC require certified traceability to national standards authorities, which in the United States of America is defined as the U.S. National Institute of Standards and Technology (NIST) but in Canada is open to international sources recognized by the National Research Council of Canada (NRC).

3. **Methods of Test**

SCC accredits laboratories for specific test methods and strictly defined types of testing in any appropriate field of testing. NIST accredits laboratories only for specified test methods in fields of testing for which a need has been determined through NIST procedures. NIST offers accreditation for national, foreign and international consensus or governmental standards. SCC offers accreditation for the preceding and for established, technically satisfactory "in-house" test methods.

4. **Laboratory Records**

NIST requires retention of data for at least three years with the option to extend this period. SCC does not specify a minimum retention period but recommends a minimum of three years. Both recognize that the Fasteners and Metals Program under the Fastener Quality Act, U.S. Public Law 101-592, requires a ten year minimum retention period.

5. **Test Reports**

NIST requires designated "approved signatories" for each laboratory. SCC checks the qualifications of the staff members who issue test reports, interviews them, and requires notification of any changes in their status.

6. **Proficiency Testing**

Proficiency testing programs are encouraged and supported, in practice, under the SCC program. Proficiency testing is obligatory in each laboratory accreditation program (LAP) operated by NIST. SCC requires laboratories accredited to perform testing to comply with the Fastener Quality Act, U.S. Public Law 101-592, and either the Energy Efficiency Act Canada June 1992 or the Energy Policy Act of 1992, U.S. Public Law 102-486, to participate in the relevant NVLAP proficiency testing programs.

7. On-Site Visits

NIST uses assessors who are expert in the fields of testing for which accreditation is to be granted; if more than one field is involved, the assessors act as a team. SCC uses a team approach, often with a staff member as leader-coordinator, and as many technical experts as are required for the scope of testing to be accredited. While a typical NIST assessment visit lasts two days and could take longer, SCC usually takes only one day to one and a half days. The NIST assessor leaves a signed copy of an on-site assessment report, while SCC may leave a copy of major required action items and then sends a written report which lists the items discussed at the exit interview.

NIST formally requests a response by the laboratory within 30 days as to the corrective actions/plans for each itemized deficiency; a lack of response is followed up and failure to act in a reasonable time leads to denial, revocation or lapse of accreditation. SCC requests that the laboratory submit within 30 days a schedule for follow-up actions to correct non-compliances and the staff member follows up; failure to comply within six months may lead to revocation of an application, or within three months to withdrawal of an accreditation. When the assessors agree on the resolution of deficiencies, a final report of the assessment is submitted to the Testing Accreditation Sub-Committee (TASC).

8. Accreditation Process

SCC has a three stage process:

(1) The Assessment Team approves the Evaluation Report and recommends accreditation to TASC; (2) the TASC reviews the report, the application and any other relevant documents, informs the Advisory Committee on Certification and Testing (ACCT) of the TASC report and recommends accreditation to the Executive Committee (EC) of SCC; and (3) the EC makes the final decision to grant accreditation, and the President of SCC signs and issues the certificate of accreditation.

NIST has a two stage process:

(1) NIST technical experts and staff members review the application, on-site assessment report, response to deficiencies, results of proficiency testing and any other relevant documentation, and recommend appropriate accreditation action to the Chief, National Voluntary Laboratory Accreditation Program (NVLAP), who (2) grants accreditation on behalf of the NIST Director.

9. Accreditation Certificates

SCC certificates of accreditation are time-limited for a period of up to four years, whereas those of NIST are usually valid for only 12 months and are so dated.

10. Follow-Up Visits

NIST requires reassessment every two years. The SCC requires one quality system audit and one full reassessment in each four-year period.

11. Publicizing Accredited Status

For accredited tests, NIST permits use of its logo on test reports that are issued by approved signatories. SCC permits the laboratory to include a specifically-worded statement on any test report containing only results for tests which are registered with SCC.

12. Language

NIST operates its program in English only, while SCC operates in both English and French.

13. Cooperation and Harmonization

Both NIST and SCC will treat any future federal legislation enacted in their respective countries as falling within the bounds of this MRA unless it specifically states otherwise.